

January 13, 2011

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554



Re: Notice of *Ex Parte* Presentation  
MM Docket No. 99-25 (Creation of Low Power Radio Service)  
GN Docket No. 10-25 (Future of Media and Information Needs)

Dear Ms. Dortch:

On Wednesday, January 12, 2011, Brandy Doyle, Pete Tridish, and Katie Ingersoll of Prometheus Radio Project (“Prometheus”), and Matt Wood of Media Access Project, counsel to Prometheus, participated in two separate meetings with Commission staff to discuss matters in the above-captioned dockets. The first meeting was with Steven Waldman, Senior Advisor to Chairman Genachowski, and Sherille Ismail, Senior Counsel in the Commission’s Office of Strategic Planning and Policy Analysis. The second meeting took place with members of the Media Bureau’s Audio Division, including Peter Doyle, Division Chief; James Bradshaw, Deputy Division Chief; and Robert Gates.

The Prometheus representatives generally presented their views on the recently passed Local Community Radio Act of 2010 (“LCRA”), reiterating the positions taken in the Prometheus submission of January 7, 2011, in MM Docket No. 99-25. With the Audio Division participants in particular, they discussed the mandates of the new legislation. For example, LCRA Section 5 requires the Commission to ensure the availability of spectrum opportunities for low power FM alongside other services, and also to ensure that licensing decisions are made based on the needs of the local community. The Prometheus representatives urged Commission action to ensure meaningful spectrum availability for LPFM stations in *every* community, taking care to preserve availability in even the largest radio markets and urban centers – those from which LPFM had been effectively precluded prior to the LCRA’s passage.

The Prometheus representatives then reiterated their contention that implementation of the current “ten-cap” solution for processing these translator applications, as constituted in the *Third Report and Order* in MM Docket No. 99-25, would have a preclusive impact on low power FM stations – both nationwide and in the vast majority of urban areas and major metropolitan markets. They pointed to the results of two studies filed in the docket by the organization Common Frequency, both of which demonstrate the predicted, impermissibly preclusive results of such an approach. As an alternate approach, the Prometheus representatives reaffirmed their support for their proposed resolution, jointly filed with Educational Media Foundation, for the disposition of Auction No. 83 FM translator applications. While in their opinion this proposal would fulfill the statutory mandates of the LCRA, the Prometheus representatives also affirmed their willingness to consider any alternative or modification that would ensure fair availability for LPFMs.

In the meeting with Mr. Waldman and Mr. Ismail, the Prometheus representatives provided a high level description of the issues described immediately above, and also discussed the vital role that community-run radio stations can and already do play in fulfilling the information needs of communities – especially for typically underserved populations in both rural and urban areas. LPFM stations not only provide listeners with programming of local interest from diverse sources, they also serve as a foundation for building digital media infrastructure and media skills for the community members that work at such stations, and that have direct input into such stations’ operational and programming choices.

We submit this letter to the Secretary’s office today pursuant to Section 1.1206(b) of the Commission’s rules, 47 C.F.R. § 1.1206(b). Please contact the undersigned should you have any questions regarding this submission.

Respectfully submitted,

/s/ Matthew F. Wood

cc: Steven Waldman  
Sherille Ismail  
Peter Doyle  
James Bradshaw  
Robert Gates